

AMENDED IN ASSEMBLY MARCH 27, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 714

Introduced by Assembly Member Feuer

February 26, 2009

An act to amend ~~Section 12020 of, and to repeal Section 12020.1 of,~~ the Penal Code, relating to ~~metal or~~ composite knuckles.

LEGISLATIVE COUNSEL'S DIGEST

AB 714, as amended, Feuer. ~~Metal or composite knuckles.~~ *Composite knuckles.*

Existing law ~~makes it an offense punishable by imprisonment in a county jail not exceeding one year or in the state prison for any person who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any of certain dangerous weapons, including among others, metal knuckles, as defined. Existing law also provides that it is a misdemeanor for any person to commercially manufacture or cause to be commercially manufactured, or to knowingly import into the state for commercial sale, keep for commercial sale, or offer or expose for commercial sale, any hard plastic knuckles or hard wooden knuckles, as defined.~~

This bill would expand the prohibition ~~against metal knuckles~~ described above to include ~~composite knuckles, as defined~~ *possession of those items*. The bill would ~~define composite knuckles to include~~ *also revise the elements contained in the definition of hard plastic and hard wooden knuckles. The bill would repeal the provisions relating to hard plastic or hard wooden knuckles of the offense by replacing the term "plastic knuckles" with "composite knuckles," as defined.*

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 12020 of the Penal Code is amended to~~
2 ~~read:~~
3 ~~12020. (a) Any person in this state who does any of the~~
4 ~~following is punishable by imprisonment in a county jail not~~
5 ~~exceeding one year or in the state prison:~~
6 ~~(1) Manufactures or causes to be manufactured, imports into~~
7 ~~the state, keeps for sale, or offers or exposes for sale, or who gives,~~
8 ~~lends, or possesses any cane gun or wallet gun, any undetectable~~
9 ~~firearm, any firearm which is not immediately recognizable as a~~
10 ~~firearm, any camouflaging firearm container, any ammunition~~
11 ~~which contains or consists of any flechette dart, any bullet~~
12 ~~containing or carrying an explosive agent, any ballistic knife, any~~
13 ~~multiburst trigger activator, any nunchaku, any short-barreled~~
14 ~~shotgun, any short-barreled rifle, any metal or composite knuckles,~~
15 ~~any belt buckle knife, any leaded cane, any zip gun, any shuriken,~~
16 ~~any unconventional pistol, any lipstick case knife, any cane sword,~~
17 ~~any shobi-zue, any air gauge knife, any writing pen knife, any~~
18 ~~metal military practice handgrenade or metal replica handgrenade,~~
19 ~~or any instrument or weapon of the kind commonly known as a~~
20 ~~blackjack, slungshot, billy, sandclub, sap, or sandbag.~~
21 ~~(2) Commencing January 1, 2000, manufactures or causes to~~
22 ~~be manufactured, imports into the state, keeps for sale, or offers~~
23 ~~or exposes for sale, or who gives, or lends, any large-capacity~~
24 ~~magazine.~~
25 ~~(3) Carries concealed upon his or her person any explosive~~
26 ~~substance, other than fixed ammunition.~~
27 ~~(4) Carries concealed upon his or her person any dirk or dagger.~~

1 However, a first offense involving any metal military practice
2 handgrenade or metal replica handgrenade shall be punishable
3 only as an infraction unless the offender is an active participant in
4 a criminal street gang as defined in the Street Terrorism and
5 Enforcement and Prevention Act (Chapter 11 (commencing with
6 Section 186.20) of Title 7 of Part 1). A bullet containing or carrying
7 an explosive agent is not a destructive device as that term is used
8 in Section 12301.

9 (b) Subdivision (a) does not apply to any of the following:

10 (1) The sale to, purchase by, or possession of short-barreled
11 shotguns or short-barreled rifles by police departments, sheriffs'
12 offices, marshals' offices, the California Highway Patrol, the
13 Department of Justice, the Department of Corrections and
14 Rehabilitation, or the military or naval forces of this state or of the
15 United States for use in the discharge of their official duties or the
16 possession of short-barreled shotguns and short-barreled rifles by
17 peace officer members of a police department, sheriff's office,
18 marshal's office, the California Highway Patrol, the Department
19 of Justice, or the Department of Corrections and Rehabilitation,
20 when on duty and the use is authorized by the agency and is within
21 the course and scope of their duties and the peace officer has
22 completed a training course in the use of these weapons certified
23 by the Commission on Peace Officer Standards and Training.

24 (2) The manufacture, possession, transportation or sale of
25 short-barreled shotguns or short-barreled rifles when authorized
26 by the Department of Justice pursuant to Article 6 (commencing
27 with Section 12095) and not in violation of federal law.

28 (3) The possession of a nunchaku on the premises of a school
29 which holds a regulatory or business license and teaches the arts
30 of self-defense.

31 (4) The manufacture of a nunchaku for sale to, or the sale of a
32 nunchaku to, a school which holds a regulatory or business license
33 and teaches the arts of self-defense.

34 (5) Any antique firearm. For purposes of this section, "antique
35 firearm" means any firearm not designed or redesigned for using
36 rimfire or conventional center fire ignition with fixed ammunition
37 and manufactured in or before 1898 (including any matchlock,
38 flintlock, percussion cap, or similar type of ignition system or
39 replica thereof, whether actually manufactured before or after the
40 year 1898) and also any firearm using fixed ammunition

1 manufactured in or before 1898, for which ammunition is no longer
2 manufactured in the United States and is not readily available in
3 the ordinary channels of commercial trade.

4 (6) ~~Tracer ammunition manufactured for use in shotguns.~~

5 (7) ~~Any firearm or ammunition that is a curio or relic as defined~~
6 ~~in Section 478.11 of Title 27 of the Code of Federal Regulations~~
7 ~~and which is in the possession of a person permitted to possess the~~
8 ~~items pursuant to Chapter 44 (commencing with Section 921) of~~
9 ~~Title 18 of the United States Code and the regulations issued~~
10 ~~pursuant thereto. Any person prohibited by Section 12021, 12021.1,~~
11 ~~or 12101 of this code or Section 8100 or 8103 of the Welfare and~~
12 ~~Institutions Code from possessing firearms or ammunition who~~
13 ~~obtains title to these items by bequest or intestate succession may~~
14 ~~retain title for not more than one year, but actual possession of~~
15 ~~these items at any time is punishable pursuant to Section 12021,~~
16 ~~12021.1, or 12101 of this code or Section 8100 or 8103 of the~~
17 ~~Welfare and Institutions Code. Within the year, the person shall~~
18 ~~transfer title to the firearms or ammunition by sale, gift, or other~~
19 ~~disposition. Any person who violates this paragraph is in violation~~
20 ~~of subdivision (a).~~

21 (8) ~~Any other weapon as defined in subsection (c) of Section~~
22 ~~5845 of Title 26 of the United States Code and which is in the~~
23 ~~possession of a person permitted to possess the weapons pursuant~~
24 ~~to the federal Gun Control Act of 1968 (Public Law 90-618), as~~
25 ~~amended, and the regulations issued pursuant thereto. Any person~~
26 ~~prohibited by Section 12021, 12021.1, or 12101 of this code or~~
27 ~~Section 8100 or 8103 of the Welfare and Institutions Code from~~
28 ~~possessing these weapons who obtains title to these weapons by~~
29 ~~bequest or intestate succession may retain title for not more than~~
30 ~~one year, but actual possession of these weapons at any time is~~
31 ~~punishable pursuant to Section 12021, 12021.1, or 12101 of this~~
32 ~~code or Section 8100 or 8103 of the Welfare and Institutions Code.~~
33 ~~Within the year, the person shall transfer title to the weapons by~~
34 ~~sale, gift, or other disposition. Any person who violates this~~
35 ~~paragraph is in violation of subdivision (a). The exemption~~
36 ~~provided in this subdivision does not apply to pen guns.~~

37 (9) ~~Instruments or devices that are possessed by federal, state,~~
38 ~~and local historical societies, museums, and institutional collections~~
39 ~~which are open to the public, provided that these instruments or~~

1 devices are properly housed, secured from unauthorized handling,
2 and, if the instrument or device is a firearm, unloaded.

3 ~~(10) Instruments or devices, other than short-barreled shotguns~~
4 ~~or short-barreled rifles, that are possessed or utilized during the~~
5 ~~course of a motion picture, television, or video production or~~
6 ~~entertainment event by an authorized participant therein in the~~
7 ~~course of making that production or event or by an authorized~~
8 ~~employee or agent of the entity producing that production or event.~~

9 ~~(11) Instruments or devices, other than short-barreled shotguns~~
10 ~~or short-barreled rifles, that are sold by, manufactured by, exposed~~
11 ~~or kept for sale by, possessed by, imported by, or lent by persons~~
12 ~~who are in the business of selling instruments or devices listed in~~
13 ~~subdivision (a) solely to the entities referred to in paragraphs (9)~~
14 ~~and (10) when engaging in transactions with those entities.~~

15 ~~(12) The sale to, possession of, or purchase of any weapon,~~
16 ~~device, or ammunition, other than a short-barreled rifle or~~
17 ~~short-barreled shotgun, by any federal, state, county, city and~~
18 ~~county, or city agency that is charged with the enforcement of any~~
19 ~~law for use in the discharge of their official duties, or the~~
20 ~~possession of any weapon, device, or ammunition, other than a~~
21 ~~short-barreled rifle or short-barreled shotgun, by peace officers~~
22 ~~thereof when on duty and the use is authorized by the agency and~~
23 ~~is within the course and scope of their duties.~~

24 ~~(13) Weapons, devices, and ammunition, other than a~~
25 ~~short-barreled rifle or short-barreled shotgun, that are sold by,~~
26 ~~manufactured by, exposed or kept for sale by, possessed by,~~
27 ~~imported by, or lent by, persons who are in the business of selling~~
28 ~~weapons, devices, and ammunition listed in subdivision (a) solely~~
29 ~~to the entities referred to in paragraph (12) when engaging in~~
30 ~~transactions with those entities.~~

31 ~~(14) The manufacture for, sale to, exposing or keeping for sale~~
32 ~~to, importation of, or lending of wooden clubs or batons to special~~
33 ~~police officers or uniformed security guards authorized to carry~~
34 ~~any wooden club or baton pursuant to Section 12002 by entities~~
35 ~~that are in the business of selling wooden batons or clubs to special~~
36 ~~police officers and uniformed security guards when engaging in~~
37 ~~transactions with those persons.~~

38 ~~(15) Any plastic toy handgrenade, or any metal military practice~~
39 ~~handgrenade or metal replica handgrenade that is a relic, curio,~~
40 ~~memorabilia, or display item, that is filled with a permanent inert~~

1 substance or that is otherwise permanently altered in a manner that
2 prevents ready modification for use as a grenade.

3 ~~(16) Any instrument, ammunition, weapon, or device listed in~~
4 ~~subdivision (a) that is not a firearm that is found and possessed by~~
5 ~~a person who meets all of the following:~~

6 ~~(A) The person is not prohibited from possessing firearms or~~
7 ~~ammunition pursuant to Section 12021 or 12021.1 or paragraph~~
8 ~~(1) of subdivision (b) of Section 12316 of this code or Section~~
9 ~~8100 or 8103 of the Welfare and Institutions Code.~~

10 ~~(B) The person possessed the instrument, ammunition, weapon,~~
11 ~~or device no longer than was necessary to deliver or transport the~~
12 ~~same to a law enforcement agency for that agency's disposition~~
13 ~~according to law.~~

14 ~~(C) If the person is transporting the listed item, he or she is~~
15 ~~transporting the listed item to a law enforcement agency for~~
16 ~~disposition according to law.~~

17 ~~(17) Any firearm, other than a short-barreled rifle or~~
18 ~~short-barreled shotgun, that is found and possessed by a person~~
19 ~~who meets all of the following:~~

20 ~~(A) The person is not prohibited from possessing firearms or~~
21 ~~ammunition pursuant to Section 12021 or 12021.1 or paragraph~~
22 ~~(1) of subdivision (b) of Section 12316 of this code or Section~~
23 ~~8100 or 8103 of the Welfare and Institutions Code.~~

24 ~~(B) The person possessed the firearm no longer than was~~
25 ~~necessary to deliver or transport the same to a law enforcement~~
26 ~~agency for that agency's disposition according to law.~~

27 ~~(C) If the person is transporting the firearm, he or she is~~
28 ~~transporting the firearm to a law enforcement agency for~~
29 ~~disposition according to law.~~

30 ~~(D) Prior to transporting the firearm to a law enforcement~~
31 ~~agency, he or she has given prior notice to that law enforcement~~
32 ~~agency that he or she is transporting the firearm to that law~~
33 ~~enforcement agency for disposition according to law.~~

34 ~~(E) The firearm is transported in a locked container as defined~~
35 ~~in subdivision (d) of Section 12026.2.~~

36 ~~(18) The possession of any weapon, device, or ammunition, by~~
37 ~~a forensic laboratory or any authorized agent or employee thereof~~
38 ~~in the course and scope of his or her authorized activities.~~

39 ~~(19) The sale of, giving of, lending of, importation into this state~~
40 ~~of, or purchase of, any large-capacity magazine to or by any~~

1 federal, state, county, city and county, or city agency that is charged
2 with the enforcement of any law, for use by agency employees in
3 the discharge of their official duties whether on or off duty, and
4 where the use is authorized by the agency and is within the course
5 and scope of their duties.

6 ~~(20) The sale to, lending to, transfer to, purchase by, receipt of,~~
7 ~~or importation into this state of, a large-capacity magazine by a~~
8 ~~sworn peace officer as defined in Chapter 4.5 (commencing with~~
9 ~~Section 830) of Title 3 of Part 2 who is authorized to carry a~~
10 ~~firearm in the course and scope of his or her duties.~~

11 ~~(21) The sale or purchase of any large-capacity magazine to or~~
12 ~~by a person licensed pursuant to Section 12071.~~

13 ~~(22) The loan of a lawfully possessed large-capacity magazine~~
14 ~~between two individuals if all of the following conditions are met:~~

15 ~~(A) The person being loaned the large-capacity magazine is not~~
16 ~~prohibited by Section 12021, 12021.1, or 12101 of this code or~~
17 ~~Section 8100 or 8103 of the Welfare and Institutions Code from~~
18 ~~possessing firearms or ammunition.~~

19 ~~(B) The loan of the large-capacity magazine occurs at a place~~
20 ~~or location where the possession of the large-capacity magazine~~
21 ~~is not otherwise prohibited and the person who lends the~~
22 ~~large-capacity magazine remains in the accessible vicinity of the~~
23 ~~person to whom the large-capacity magazine is loaned.~~

24 ~~(23) The importation of a large-capacity magazine by a person~~
25 ~~who lawfully possessed the large-capacity magazine in the state~~
26 ~~prior to January 1, 2000, lawfully took it out of the state, and is~~
27 ~~returning to the state with the large-capacity magazine previously~~
28 ~~lawfully possessed in the state.~~

29 ~~(24) The lending or giving of any large-capacity magazine to a~~
30 ~~person licensed pursuant to Section 12071, or to a gunsmith, for~~
31 ~~the purposes of maintenance, repair, or modification of that~~
32 ~~large-capacity magazine.~~

33 ~~(25) The return to its owner of any large-capacity magazine by~~
34 ~~a person specified in paragraph (24).~~

35 ~~(26) The importation into this state of, or sale of, any~~
36 ~~large-capacity magazine by a person who has been issued a permit~~
37 ~~to engage in those activities pursuant to Section 12079, when those~~
38 ~~activities are in accordance with the terms and conditions of that~~
39 ~~permit.~~

~~(27) The sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine, to or by entities that operate armored vehicle businesses pursuant to the laws of this state.~~

~~(28) The lending of large-capacity magazines by the entities specified in paragraph (27) to their authorized employees, while in the course and scope of their employment for purposes that pertain to the entity's armored vehicle business.~~

~~(29) The return of those large-capacity magazines to those entities specified in paragraph (27) by those employees specified in paragraph (28).~~

~~(30) (A) The manufacture of a large-capacity magazine for any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.~~

~~(B) The manufacture of a large-capacity magazine for use by a sworn peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 who is authorized to carry a firearm in the course and scope of his or her duties.~~

~~(C) The manufacture of a large-capacity magazine for export or for sale to government agencies or the military pursuant to applicable federal regulations.~~

~~(31) The loan of a large-capacity magazine for use solely as a prop for a motion picture, television, or video production.~~

~~(32) The purchase of a large-capacity magazine by the holder of a special weapons permit issued pursuant to Section 12095, 12230, 12250, 12286, or 12305, for any of the following purposes:~~

~~(A) For use solely as a prop for a motion picture, television, or video production.~~

~~(B) For export pursuant to federal regulations.~~

~~(C) For resale to law enforcement agencies, government agencies, or the military, pursuant to applicable federal regulations.~~

~~(e) (1) As used in this section, a "short-barreled shotgun" means any of the following:~~

~~(A) A firearm which is designed or redesigned to fire a fixed shotgun shell and having a barrel or barrels of less than 18 inches in length.~~

1 ~~(B) A firearm which has an overall length of less than 26 inches~~
2 ~~and which is designed or redesigned to fire a fixed shotgun shell.~~

3 ~~(C) Any weapon made from a shotgun (whether by alteration,~~
4 ~~modification, or otherwise) if that weapon, as modified, has an~~
5 ~~overall length of less than 26 inches or a barrel or barrels of less~~
6 ~~than 18 inches in length.~~

7 ~~(D) Any device which may be readily restored to fire a fixed~~
8 ~~shotgun shell which, when so restored, is a device defined in~~
9 ~~subparagraphs (A) to (C), inclusive.~~

10 ~~(E) Any part, or combination of parts, designed and intended~~
11 ~~to convert a device into a device defined in subparagraphs (A) to~~
12 ~~(C), inclusive, or any combination of parts from which a device~~
13 ~~defined in subparagraphs (A) to (C), inclusive, can be readily~~
14 ~~assembled if those parts are in the possession or under the control~~
15 ~~of the same person.~~

16 ~~(2) As used in this section, a “short-barreled rifle” means any~~
17 ~~of the following:~~

18 ~~(A) A rifle having a barrel or barrels of less than 16 inches in~~
19 ~~length.~~

20 ~~(B) A rifle with an overall length of less than 26 inches.~~

21 ~~(C) Any weapon made from a rifle (whether by alteration,~~
22 ~~modification, or otherwise) if that weapon, as modified, has an~~
23 ~~overall length of less than 26 inches or a barrel or barrels of less~~
24 ~~than 16 inches in length.~~

25 ~~(D) Any device which may be readily restored to fire a fixed~~
26 ~~cartridge which, when so restored, is a device defined in~~
27 ~~subparagraphs (A) to (C), inclusive.~~

28 ~~(E) Any part, or combination of parts, designed and intended~~
29 ~~to convert a device into a device defined in subparagraphs (A) to~~
30 ~~(C), inclusive, or any combination of parts from which a device~~
31 ~~defined in subparagraphs (A) to (C), inclusive, may be readily~~
32 ~~assembled if those parts are in the possession or under the control~~
33 ~~of the same person.~~

34 ~~(3) As used in this section, a “nunchaku” means an instrument~~
35 ~~consisting of two or more sticks, clubs, bars or rods to be used as~~
36 ~~handles, connected by a rope, cord, wire, or chain, in the design~~
37 ~~of a weapon used in connection with the practice of a system of~~
38 ~~self-defense such as karate.~~

39 ~~(4) As used in this section, a “wallet gun” means any firearm~~
40 ~~mounted or enclosed in a case, resembling a wallet, designed to~~

1 be or capable of being carried in a pocket or purse, if the firearm
2 may be fired while mounted or enclosed in the case.

3 (5) ~~As used in this section, a “cane gun” means any firearm~~
4 ~~mounted or enclosed in a stick, staff, rod, crutch, or similar device,~~
5 ~~designed to be, or capable of being used as, an aid in walking, if~~
6 ~~the firearm may be fired while mounted or enclosed therein.~~

7 (6) ~~As used in this section, a “fléchette dart” means a dart,~~
8 ~~capable of being fired from a firearm, that measures approximately~~
9 ~~one inch in length, with tail fins that take up approximately~~
10 ~~five-sixteenths of an inch of the body.~~

11 (7) ~~As used in this section, “metal or composite knuckles” means~~
12 ~~any device or instrument made wholly or partially of metal, plastic~~
13 ~~or wood, composite, or paper materials, other than a medically~~
14 ~~prescribed prosthetic or an unweighted glove, which is worn for~~
15 ~~purposes of offense or defense in or on the hand and which either~~
16 ~~protects the wearer’s hand while striking a blow or increases the~~
17 ~~force of impact from the blow or injury to the individual receiving~~
18 ~~the blow. The metal or composite materials contained in the device~~
19 ~~may help support the hand or fist, provide a shield to protect it, or~~
20 ~~consist of surfaces, edges, ridges, points, projections or studs which~~
21 ~~would contact the individual receiving a blow.~~

22 (8) ~~As used in this section, a “ballistic knife” means a device~~
23 ~~that propels a knifelike blade as a projectile by means of a coil~~
24 ~~spring, elastic material, or compressed gas. Ballistic knife does~~
25 ~~not include any device which propels an arrow or a bolt by means~~
26 ~~of any common bow, compound bow, crossbow, or underwater~~
27 ~~speargun.~~

28 (9) ~~As used in this section, a “camouflaging firearm container”~~
29 ~~means a container which meets all of the following criteria:~~

30 (A) ~~It is designed and intended to enclose a firearm.~~

31 (B) ~~It is designed and intended to allow the firing of the enclosed~~
32 ~~firearm by external controls while the firearm is in the container.~~

33 (C) ~~It is not readily recognizable as containing a firearm.~~

34 ~~“Camouflaging firearm container” does not include any~~
35 ~~camouflaging covering used while engaged in lawful hunting or~~
36 ~~while going to or returning from a lawful hunting expedition.~~

37 (10) ~~As used in this section, a “zip gun” means any weapon or~~
38 ~~device which meets all of the following criteria:~~

39 (A) ~~It was not imported as a firearm by an importer licensed~~
40 ~~pursuant to Chapter 44 (commencing with Section 921) of Title~~

1 18 of the United States Code and the regulations issued pursuant
2 thereto.

3 (B) It was not originally designed to be a firearm by a
4 manufacturer licensed pursuant to Chapter 44 (commencing with
5 Section 921) of Title 18 of the United States Code and the
6 regulations issued pursuant thereto.

7 (C) No tax was paid on the weapon or device nor was an
8 exemption from paying tax on that weapon or device granted under
9 Section 4181 and Subchapters F (commencing with Section 4216)
10 and G (commencing with Section 4221) of Chapter 32 of Title 26
11 of the United States Code, as amended, and the regulations issued
12 pursuant thereto.

13 (D) It is made or altered to expel a projectile by the force of an
14 explosion or other form of combustion.

15 (11) As used in this section, a “shuriken” means any instrument,
16 without handles, consisting of a metal plate having three or more
17 radiating points with one or more sharp edges and designed in the
18 shape of a polygon, trefoil, cross, star, diamond, or other geometric
19 shape for use as a weapon for throwing.

20 (12) As used in this section, an “unconventional pistol” means
21 a firearm that does not have a rifled bore and has a barrel or barrels
22 of less than 18 inches in length or has an overall length of less than
23 26 inches.

24 (13) As used in this section, a “belt buckle knife” is a knife
25 which is made an integral part of a belt buckle and consists of a
26 blade with a length of at least 2 ½ inches.

27 (14) As used in this section, a “lipstick case knife” means a
28 knife enclosed within and made an integral part of a lipstick case.

29 (15) As used in this section, a “cane sword” means a cane,
30 swagger stick, stick, staff, rod, pole, umbrella, or similar device,
31 having concealed within it a blade that may be used as a sword or
32 stiletto.

33 (16) As used in this section, a “shobi-zue” means a staff, crutch,
34 stick, rod, or pole concealing a knife or blade within it which may
35 be exposed by a flip of the wrist or by a mechanical action.

36 (17) As used in this section, a “leaded cane” means a staff,
37 crutch, stick, rod, pole, or similar device, unnaturally weighted
38 with lead.

39 (18) As used in this section, an “air gauge knife” means a device
40 that appears to be an air gauge but has concealed within it a

1 pointed, metallic shaft that is designed to be a stabbing instrument
2 which is exposed by mechanical action or gravity which locks into
3 place when extended.

4 (19) As used in this section, a “writing pen knife” means a
5 device that appears to be a writing pen but has concealed within
6 it a pointed, metallic shaft that is designed to be a stabbing
7 instrument which is exposed by mechanical action or gravity which
8 locks into place when extended or the pointed, metallic shaft is
9 exposed by the removal of the cap or cover on the device.

10 (20) As used in this section, a “rifle” means a weapon designed
11 or redesigned, made or remade, and intended to be fired from the
12 shoulder and designed or redesigned and made or remade to use
13 the energy of the explosive in a fixed cartridge to fire only a single
14 projectile through a rifled bore for each single pull of the trigger.

15 (21) As used in this section, a “shotgun” means a weapon
16 designed or redesigned, made or remade, and intended to be fired
17 from the shoulder and designed or redesigned and made or remade
18 to use the energy of the explosive in a fixed shotgun shell to fire
19 through a smooth bore either a number of projectiles (ball shot)
20 or a single projectile for each pull of the trigger.

21 (22) As used in this section, an “undetectable firearm” means
22 any weapon which meets one of the following requirements:

23 (A) When, after removal of grips, stocks, and magazines, it is
24 not as detectable as the Security Exemplar, by walk-through metal
25 detectors calibrated and operated to detect the Security Exemplar.

26 (B) When any major component of which, when subjected to
27 inspection by the types of X-ray machines commonly used at
28 airports, does not generate an image that accurately depicts the
29 shape of the component. Barium sulfate or other compounds may
30 be used in the fabrication of the component.

31 (C) For purposes of this paragraph, the terms “firearm,” “major
32 component,” and “Security Exemplar” have the same meanings
33 as those terms are defined in Section 922 of Title 18 of the United
34 States Code.

35 All firearm detection equipment newly installed in nonfederal
36 public buildings in this state shall be of a type identified by either
37 the United States Attorney General, the Secretary of Transportation,
38 or the Secretary of the Treasury, as appropriate, as available
39 state-of-the-art equipment capable of detecting an undetectable
40 firearm, as defined, while distinguishing innocuous metal objects

likely to be carried on one's person sufficient for reasonable passage of the public.

(23) As used in this section, a "multiburst trigger activator" means one of the following devices:

(A) A device designed or redesigned to be attached to a semiautomatic firearm which allows the firearm to discharge two or more shots in a burst by activating the device.

(B) A manual or power-driven trigger activating device constructed and designed so that when attached to a semiautomatic firearm it increases the rate of fire of that firearm.

(24) As used in this section, a "dirk" or "dagger" means a knife or other instrument with or without a handguard that is capable of ready use as a stabbing weapon that may inflict great bodily injury or death. A nonlocking folding knife, a folding knife that is not prohibited by Section 653k, or a pocketknife is capable of ready use as a stabbing weapon that may inflict great bodily injury or death only if the blade of the knife is exposed and locked into position.

(25) As used in this section, "large-capacity magazine" means any ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

(A) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.

(B) A .22 caliber tube ammunition feeding device.

(C) A tubular magazine that is contained in a lever-action firearm.

(d) Knives carried in sheaths which are worn openly suspended from the waist of the wearer are not concealed within the meaning of this section.

SEC. 2. Section 12020.1 of the Penal Code is repealed.

SECTION 1. Section 12020.1 of the Penal Code is amended to read:

12020.1. Any person in this state who possesses, commercially manufactures or causes to be commercially manufactured, or who knowingly imports into the state for commercial sale, keeps for commercial sale, or offers or exposes for commercial sale, any hard plastic composite knuckles or hard wooden knuckles is guilty of a misdemeanor. As used in this section, "hard plastic composite knuckles" or "hard wooden knuckles" means any device or

1 instrument made wholly or partially of ~~plastic or of wood,~~
2 ~~composite, or paper~~ *composite materials, other than a medically*
3 *prescribed prosthetic*, that is not a metal knuckle as defined in
4 paragraph (7) of subdivision (c) of Section 12020, that is worn for
5 purposes of offense or defense in or on the hand, and that either
6 protects the wearer's hand while striking a blow or increases the
7 force of impact from the blow or injury to the individual receiving
8 the blow. *As used in this section, "hard wooden knuckles" means*
9 *any device or instrument made wholly or partially of wood or*
10 *paper products that is not a metal knuckle as defined in paragraph*
11 *(7) of subdivision (c) of Section 12020, that is worn for purposes*
12 *of offense or defense in or on the hand, and that either protects*
13 *the wearer's hand while striking a blow, or increases the force of*
14 *impact from the blow or injury to the individual receiving the blow.*
15 ~~The plastic, composite materials, wood, composite or paper~~
16 ~~products contained in the device may help support the hand or fist,~~
17 ~~provide a shield to protect it, or consist of projections or studs that~~
18 ~~would contact the individual receiving a blow.~~

19 ~~SEC. 3.~~

20 *SEC. 2.* No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.